

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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GEORGE REILLY and VITO GIACHETTI,  
as Co-Chairmen of the Board of Trustees of the  
PLUMBERS LOCAL UNION No.1 401(K)  
SAVINGS PLAN, WELFARE FUND,  
ADDITIONAL SECURITY BENEFIT FUND,  
VACATION AND HOLIDAY FUND, TRADE  
EDUCATION FUND AND PLUMBING  
INDUSTRY PROMOTION FUND and GEORGE  
REILLY, as Business Manager of LOCAL UNION  
NO. 1 OF THE UNITED ASSOCIATION OF  
JOURNEYMEN AND APPRENTICES OF THE  
PLUMBING AND PIPEFITTING INDUSTRY  
OF THE UNITED STATES AND CANADA,

Plaintiff,

-against-


SMART PLUMBING & HEATING CORP.,

Defendant.  
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IT IS HEREBY STIPULATED AND AGREED that this action is dismissed with  
prejudice to all parties.

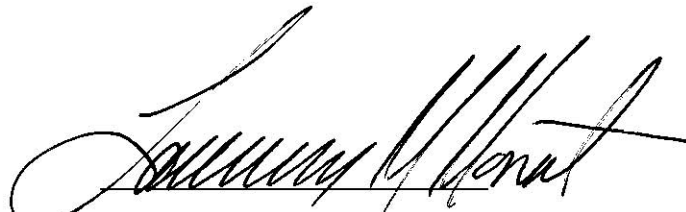
Dated: August 31, 2005

BARNES, IACCARINO, VIRGINIA,  
AMBINDER & SHEPHERD, PLLC

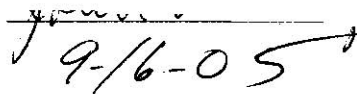
By:   
Charles R. Virginia (CV 8214)  
Dennis M. Carliello (DMC 3797)  
*Attorneys for Plaintiff's*  
111 Broadway - Suite 1403  
New York, New York 10006  
(212) 943-9080

**STIPULATION**

Docket No. 02 Civ. 4472 (CPS)

  
LAWRENCE M. MONAT (LM-0490)  
*Attorney for Defendant*  
300 Motor Parkway-Suite 200  
Hauppauge, New York 11788  
(631) 234-4411

SO ORDERED:

  
9-16-05